
Appeal Decision

Site visit made on 7 July 2020

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2020

Appeal Ref: APP/B1930/D/20/3248924

10 Roestock Gardens, Colney Heath, St Albans, Herts AL4 0QJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr David Gough against the decision of St Albans City & District Council.
 - The application Ref 5/19/2722, dated 9 October 2019, was refused by notice dated 14 January 2020.
 - The development proposed is single storey side and rear extensions and alterations. Existing rear extension removed.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; and,
 - The effect of the proposal on the openness of the Green Belt; and,
 - If the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the proposal.

Reasons

Inappropriate development

3. The appeal site is located within the Green Belt. The Framework in paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 sets out that the construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a limited number of exceptions. This includes, at Paragraph 145 c), the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. Original building is defined in the Framework as the building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.

4. Saved Policy 1 of the City and District of St Albans District Local Plan Review 1994 (the LP) defines the extent of the Green Belt and states that except for Green Belt settlements referred to in Policy 2, permission will not be given for development unless very special circumstances exist, or it is for specified purposes. These purposes do not include residential extensions, however Policy 13 states that extensions in the Green Belt may be permitted unless the scale or visual impact upon the building as originally constructed would create a significantly larger building. These policies pre-date the Framework and are not wholly consistent with it. As such, only limited weight can be given to LP Policies 1 and 13 and greater weight should be given to the requirements of the Framework.
5. Furthermore, the Council's Residential Extensions and Replacement Dwellings in the Green Belt Supplementary Planning Guidance 2004 (the SPG) is of some age and is related to Policy 13 of the LP. I therefore give this document limited weight.
6. The Framework does not define 'disproportionate additions', however the SPG provides some guidance in relation to the size of extensions that may be acceptable. In relation to side and rear extensions, it states that an increase in volume of between 90 to 180 cubic metres, or an increase in floorspace of between 20% to 40% may be acceptable. The SPG comments that the cumulative impact of previous and proposed extensions to the dwelling will be considered.
7. The main parties advise that the appeal property has an existing 2 storey side extension and a single storey rear extension. This does not form part of the original building. The officer's report states that as a result of the proposed extension, the volume of the resultant dwelling would be 520 cubic metres, which would be an increase of around 274 cubic metres over and above the size of the original building. Furthermore, it notes that the dwelling would have a floorspace of 187 square metres, and that when combined with the previous extension to the original building, the proposal would result in an increase in floorspace of 115%.
8. The appellant disputes the figures provided by the Council on the basis that it has not deducted the existing single storey rear extension to be demolished from the figures. On this basis, the appellant states that 38 cubic metres of volume and 14 square metres of floorspace and should be deducted. Therefore, the appellant contends that the cumulative increase in volume would be 236 cubic metres and the increase in floorspace would be 100%.
9. Even if I were to agree the figures provided by the appellant, this would significantly exceed both ranges set out in Table 2 of the SPG. I note that the appellant refers to a maximum increase in cubic content of 300 cubic metres in the 'percentage increase in floorspace' column. However, this is an additional criterion for proposals that would have an increase in floorspace of 20% - 40%. As the proposal would result in an increase in floorspace of around 100%, which significantly exceeds the floor area range of 20 - 40%, the additional criterion set out in that part of Table 2 is not material in this case.
10. I am mindful that the SPG indicates that the guidance figures are not rigid. Nonetheless, the cumulative increase in floorspace and volume over and above the original building would amount to a substantial increase in size.

11. The proposed development would therefore result in disproportionate additions over and above the size of the original building. Accordingly, I conclude that the proposal would be inappropriate development which is by definition harmful to the Green Belt. The proposal would therefore conflict with the Framework, saved Policies 1 and 13 of the LP, and guidance in the SPG. In accordance with the Framework, I give substantial weight to this harm.

Openness

12. The Framework states that the essential characteristics of Green Belts are their openness and their permanence. The openness of the Green Belt has both spatial and visual aspects.
13. The main bulk of the proposed development would be to the rear of the property, which would restrict its visual impact on the openness of the Green Belt. Nevertheless, the proposal would have a sizeable footprint, which would exceed the width of the existing dwelling, and would therefore have a greater spatial impact on openness. Consequently, notwithstanding the absence of visual intrusion from the public domain, the proposal would cause moderate harm to the openness of the Green Belt.

Other considerations and the Green Belt balance.

14. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The proposal would be inappropriate development in the Green Belt and would also cause moderate harm to its openness. The Framework makes clear in paragraph 144 that substantial weight should be given to such harm.
15. The appellant has drawn my attention to other dwellings and extensions in the surrounding area. Nevertheless, the Green Belt policies in the Framework do not require the character of surrounding properties to be taken into account and planning proposals must be determined on their own individual merits.
16. There are no refusal reasons relating to matters such as the effect of the proposal on: the character and appearance of the area; the living conditions of the occupiers of neighbouring properties; or highway safety. Furthermore, I note that there were no objections from local residents or the Parish Council. However, these factors weigh neutrally and do not amount to considerations in support of the appeal.
17. The appellant contends that a large part of the extension could be constructed as permitted development without the need for planning permission from the Council. However, no plans showing such an alternative have been presented and I am not aware that any lawful development certificate exists for an alternative scheme. Consequently, in the absence of any plans or details, and taking account of the uncertainty of whether a scheme of similar size could be erected under permitted development rights, I attach limited weight to this consideration.
18. The other considerations identified in support of the scheme do not clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal is therefore contrary to the Framework and saved Policies 1 and 13 of the LP which seek to protect the Green Belt.

Conclusion

19. For the reasons given above I conclude that the appeal should be dismissed.

C Osgathorp

INSPECTOR